

## 46 Am. Jur. 2d Judges § 37

American Jurisprudence, Second Edition | February 2022 Update

### Judges

Glenda K. Harnad, J.D.; and Kristina E. Music Biro, J.D., of the staff of the National Legal Research Group, Inc.

### V. Powers and Duties

#### C. Reconsidering Rulings by Another Judge

## § 37. Effect of existence or absence of right to appeal on reconsideration of predecessor judge's ruling

[Topic Summary](#) | [Correlation Table](#) | [References](#)

### West's Key Number Digest

West's Key Number Digest, [Judges](#)  [24](#), [32](#)

### A.L.R. Library

[Power of successor judge taking office during term time to vacate, set aside, or annul judgment entered by his or her predecessor, 51 A.L.R.5th 747](#)

The fact that the order of the first judge to take action in a case is appealable may be considered in determining whether the same question may be properly be ruled on anew by another judge of the trial court.<sup>1</sup> There is authority for the view that where a ruling is immediately appealable, rather than interlocutory in nature, review of the order by a different judge is improper.<sup>2</sup> Conversely, where the second judge is deemed not to be precluded from reconsidering a point ruled upon by the first, weight may be given to the fact that the order of the first judge is not appealable.<sup>3</sup>

© 2022 Thomson Reuters. 33-34B © 2022 Thomson Reuters/RIA. No Claim to Orig. U.S. Govt. Works. All rights reserved.

### Footnotes

- <sup>1</sup> [State v. Standard Oil Co. of New Jersey, 205 N.C. 123, 170 S.E. 134 \(1933\).](#)
- <sup>2</sup> [Cruz v. Columbus-Cuneo-Cabrini Medical Center, 194 Ill. App. 3d 1037, 141 Ill. Dec. 817, 551 N.E.2d 1345 \(1st Dist. 1990\).](#)

3 [Weil v. Weil, 299 S.C. 84, 382 S.E.2d 471 \(Ct. App. 1989\).](#)

---

End of Document

© 2022 Thomson Reuters. No claim to original U.S. Government Works.